

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

12/23/2005 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CIVIL NO. 03-00385SOM-LEK

CASE NAME: Wayne Berry, a Hawaii citizen vs. Hawaii Express Service,
Inc. a California corporation, et al.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 12/23/2005

TIME:

COURT ACTION: EO: COURT ORDER:

The Court hereby modifies its Order Appointing Special Master as follows:

The master shall be compensated at his customary hourly rate for his services as special master and be reimbursed for any incidental costs approved by the Court. The parties are directed to pay the master with EACH party who submits a discovery dispute, takes a position in a discovery dispute, or is determined by the master to have contributed to, caused or exacerbated a discovery dispute to pay an EQUAL share of the special master's fees and costs as to each discovery dispute. If a party does not take a position in a discovery dispute, then that party shall not pay any share of the special master's fees and costs on that particular discovery dispute unless it is determined by the master that the party contributed to, caused or exacerbated a discovery dispute. In the event of such a specific finding, the party shall pay an EQUAL share of the special master's fees and costs as to the particular discovery dispute.

IT IS SO ORDERED.

cc: Clyde Wm. Matsui, Esq., Special Master,
all counsel

Submitted by: Warren N. Nakamura, Courtroom Manager